

HOUSE BILL No. 1001

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-5-3.6; IC 35-45-15-5; IC 35-47-12.

Synopsis: Terrorism. Provides that a person who uses the identity of another person with the intent to commit terrorism or to obtain a weapon of mass destruction commits terroristic deception, a Class C felony. Provides that a person who commits money laundering with the intent to further terrorism commits a Class C felony. Provides that a person who possesses a weapon of mass destruction with the intent to carry out terrorism commits terrorism. Makes it a Class C felony if a person disseminates a substance with the intent to cause a reasonable person to believe that the substance is a weapon of mass destruction. Provides enhanced penalties if dissemination of the substance results in diagnostic testing, medical treatment, or serious bodily injury.

Effective: July 1, 2002.

Gregg

November 20, 2001, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1001

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-43-5-3.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]: **Sec. 3.6. A person who knowingly or intentionally obtains,**
4 **possesses, transfers, or uses the identifying information of another**
5 **person with intent to:**

6 **(1) commit terrorism; or**
7 **(2) obtain or transport a weapon of mass destruction;**
8 **commits terroristic deception, a Class C felony.**

9 SECTION 2. IC 35-45-15-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) A person that
11 knowingly or intentionally:

- 12 (1) acquires or maintains an interest in, receives, conceals,
13 possesses, transfers, or transports the proceeds of criminal
14 activity;
15 (2) conducts, supervises, or facilitates a transaction involving the
16 proceeds of criminal activity; or
17 (3) invests, expends, receives, or offers to invest, expend, or

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1 receive, the proceeds of criminal activity or funds that are the
 2 proceeds of criminal activity, and the person knows that the
 3 proceeds or funds are the result of criminal activity;

4 commits money laundering, a Class D felony. However, the offense is:

5 **(A) a Class C felony if the value of the proceeds or funds is at**
 6 **least fifty thousand dollars (\$50,000);**

7 **(B) a Class C felony if a person commits the crime with the**
 8 **intent to:**

9 **(i) commit or promote an act of terrorism; or**

10 **(ii) obtain or transport a weapon of mass destruction;**
 11 **and**

12 **(C) a Class B felony if the value of the proceeds or funds is**
 13 **at least fifty thousand dollars (\$50,000) and a person**
 14 **commits the crime with the intent to:**

15 **(i) commit or promote an act of terrorism; or**

16 **(ii) obtain or transport a weapon of mass destruction.**

17 (b) It is a defense to prosecution under this section that the person
 18 acted with intent to facilitate the lawful seizure, forfeiture, or
 19 disposition of funds or other legitimate law enforcement purpose under
 20 Indiana or United States law.

21 (c) It is a defense to prosecution under this section that:

22 (1) the transaction was necessary to preserve a person's right to
 23 representation as guaranteed by the Sixth Amendment of the
 24 United States Constitution or Article 1, Section 13, of the
 25 Constitution of the State of Indiana; or

26 (2) the funds were received as bona fide legal fees by a licensed
 27 attorney and, at the time of the receipt of the funds, the attorney
 28 did not have actual knowledge that the funds were derived from
 29 criminal activity.

30 SECTION 3. IC 35-47-12-1, AS ADDED BY P.L.156-2001,
 31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2002]: Sec. 1. A person who knowingly or intentionally:

33 **(1) possesses;**

34 **(2) manufactures;**

35 **(3) places;**

36 **(4) disseminates; or**

37 **(5) detonates;**

38 a weapon of mass destruction with the intent to carry out terrorism
 39 commits a Class B felony. However, the offense is a Class A felony if
 40 the conduct results in serious bodily injury or death of any person.

41 SECTION 4. IC 35-47-12-2, AS ADDED BY P.L.156-2001,
 42 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2002]: Sec. 2. A person who knowingly or intentionally:

- (1) **possesses;**
- (2) manufactures;
- ~~(2)~~ (3) places;
- ~~(3)~~ (4) disseminates; or
- ~~(4)~~ (5) detonates;

a weapon of mass destruction with the intent to damage, destroy, sicken, or kill crops or livestock of another person without the consent of the other person commits agricultural terrorism, a Class C felony.

SECTION 5. IC 35-47-12-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. A person who knowingly or intentionally places or disseminates a device or substance with the intent to cause a reasonable person to believe that the device or substance is a weapon of mass destruction (as defined in IC 35-41-1-29.4), commits terroristic mischief, a Class C felony. However, the offense is a Class B felony if, as a result of the terroristic mischief:

- (1) a physician prescribes diagnostic testing or medical treatment for any person other than the person who committed the terroristic mischief; or
- (2) a person suffers serious bodily injury.

SECTION 6. [EFFECTIVE JULY 1, 2002] IC 35-45-15-5, IC 35-47-12-1, and IC 35-47-12-2, all as amended by this act, and IC 35-43-5-3.6 and IC 35-47-12-3, both as added by this act, apply only to acts committed after June 30, 2002.

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